

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MARCUS McFARLAND

PLAINTIFF

v.

CIVIL ACTION NO. 2:21-cv-117-TBM-ASH

**LYNN FITCH, NATHAN
CAIN, *and* DEREK MINGO**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION


This matter is before the Court on the submission of the Report and Recommendation [19] entered by United States Magistrate Judge F. Keith Ball on February 20, 2024. Judge Ball recommends dismissing this case with prejudice in its entirety because Plaintiff's habeas petition is untimely. McFarland has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Ball's Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [19] entered by United States Magistrate F. Keith Ball on February 20, 2024, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's habeas petition is DISMISSED WITH PREJUDICE.

THIS, the 21st day of March, 2024.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE